

**ORDINANCE NO. 0-192-06**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES  
OF THE VILLAGE OF PALATINE  
CHAPTER 9, ARTICLE IV  
VILLAGE OF PALATINE CLEAN INDOOR AIR ORDINANCE  
EFFECTIVE JANUARY 2, 2006**

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Mayor and Village Council of the Village of Palatine  
On November 13, 2006**

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VILLAGE OF PALATINE CLEAN INDOOR AIR ORDINANCE**

**WHEREAS, the Village of Palatine is a home rule unit pursuant to the provisions of Article VII, §6 of the Constitution of the State of Illinois; and**

**WHEREAS, the Village has authority and power to regulate for the protection of the public health and welfare; and**

**WHEREAS, pursuant to the provisions of 65 ILCS 5/11-19.1-11, the corporate authorities of the Village have the authority to prescribe by ordinance the regulation of the use of lands connected with the emission of air contaminants and may abate operations activities or uses causing air contamination; and**

**WHEREAS, the Mayor and Village Council have found and determined that based upon the United States Environmental Protection Agency's classification, secondhand smoke is a "class A carcinogen"; and**

**WHEREAS, secondhand smoke is the third leading cause of preventable death in the United States and causes cancer, stroke and heart disease; and**

**WHEREAS, employees who work in smoke filled businesses suffer a substantially higher risk of heart attack and higher rates of death from cardiovascular disease and cancer, as well as increased acute respiratory disease and measurable decrease in lung function; and**

**WHEREAS, the U.S. Environmental Protection Agency has determined that secondhand smoke cannot be reduced to safe levels in businesses by high rates of ventilation; and**

**WHEREAS, the Mayor and Village Council of the Village of Palatine finds and declares that the purposes of this Ordinance are: (1) to protect the public health and welfare by prohibiting smoking in all public places and places of employment and (2)**

to guarantee the right of non-smokers to breathe smoke-free air which shall have priority over the desire to smoke.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Village Council of the Village of Palatine, Cook County, Illinois, acting in the exercise of their home rule power, that:

**SECTION 1:** That the Code of Ordinances of the Village of Palatine, Illinois, as amended is hereby further amended by adding a new "Article IV Village of Palatine Clean Indoor Air Ordinance" to Chapter 9, which shall read as follows:

**"ARTICLE IV - VILLAGE OF PALATINE CLEAN INDOOR AIR ORDINANCE**

**Sec. 9-70. Purpose.**

This Ordinance shall be known as the Village of Palatine Clean Indoor Air Ordinance and shall be in addition to and not be limited by the provisions of any state or federal legislation, it being the intent of the Mayor and Village Council to enforce the most restrictive regulations available to curb secondhand smoke.

**Sec. 9-71. Definitions.**

The following words and phrases used in this Article shall have the following meanings:

- (A) **"Enclosed Area"** means all space between a floor and a ceiling that is enclosed with (i) solid wall or windows (exclusive of doorways) which extends from floor to the ceiling, or (ii) solid wall with half wall partitions and no windows (exclusive of doorways) without limitation to lobbies and corridors.
- (B) **"Place of Employment"** means any enclosed area under the control of a public or private employer where one or more employees are required or permitted by an employer to work in the course of their employment and includes without limitation, work areas, private offices, auditoriums, classrooms, conference and meeting rooms, cafeterias, elevators, employee lounges, stairs, hallways, restrooms, medical facilities, private clubs, and the interior of a vehicle of public conveyance. A private residence is not a "Place of Employment" unless the dwelling is also used partially or exclusively as a day care facility for children or adults, a health care facility or a home based business of any kind open to the public provided that rooms in nursing homes or long-term care facilities occupied by one or more persons

who have requested in writing a room where smoking is permitted shall be considered private dwelling units.

(C) **"Public Place"** means any area that is open to and used by the general public, or any area to which the public is invited or in which the public is permitted, including without limitations:

- (1) **Vehicles of public conveyance; including without limitation: busses, taxi cabs, limousines, trolleys;**
- (2) **Public transportation facilities under the authority of government agencies, including without limitation METRA commuter rail platform, train station, and other ticket boarding and waiting areas of public transit stations and areas;**
- (3) **Common or public areas (including without limitation lobbies, hallways, reception areas, restrooms, storage, laundry, and elevators) of apartment buildings, condominiums, dormitory buildings, nursing home care facilities, and other multiple family residential structures;**
- (4) **Common or public areas (including without limitation lobbies, hallways, reception areas, restrooms, and elevators) or any building or structure that is accessible to the public including without limitation office, commercial and industrial buildings, banks and financial institutions, education institutions, health care facilities such as hospitals, clinics and doctor's offices, museums, libraries, restaurants, bars, polling places, government and Village-owned buildings, food stores, cafeterias, shopping malls, sports arenas, theaters, auditoriums, public transportation facilities, hotels, motels, and retail and service establishments;**
- (5) **Rooms, chambers, halls, or other locations within which meetings, hearings, or gatherings are held, to which the public is invited or in which the public is permitted, including specifically, but without limitation, any enclosed area under the control of the Village of Palatine where there is, in progress, any public meeting.**

**Provided, however, that "Public Place" shall not include hotel or motel rooms designated as "smoking" provided that no more than twenty**

percent (20%) of the available rooms for rent in any single building shall be designated as "smoking rooms".

(D) **"Open-Air Dining Area"** means a seating area open to the air that is accessory to a restaurant, hotel cafeteria and private club or other public place, which engages in purveying commercial food or beverage services where members of the public or members of guests are invited to sit and receive food and beverage service for consideration.

(E) **"Secondhand smoke" or "Involuntary smoking"** is a mixture of the smoke given off by the burning ends of a cigarette, pipe, cigar, bidis, and kreteks (sidestream smoke) and the smoke emitted at the mouthpiece and exhaled from the lungs of smokers (mainstream smoke).

(F) **"Smoking"** means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, weed, hookah, or other lighted tobacco product in any manner or in any form.

#### **Sec. 9-72. Prohibition of Smoking in Public Places.**

Smoking shall be prohibited in all Public Places and Places of Employment within the Village of Palatine, unless exempted in Section 9-74 of this Article. The prohibition shall also extend to any enclosed or semi-enclosed sports arena or recreational area, including sports pavilion, stadium, gymnasium, health spa, boxing arena, swimming pool, roller or ice rink, bowling alley, and other similar places where members of the general public assemble. It shall be unlawful for the owner, occupant or lessee in control of the public place to permit smoking in any such public place.

#### **Sec. 9-73. Prohibition Within Distance of Public Places.**

Smoking is prohibited within fifteen (15) feet of any entrance to an enclosed area in which smoking is prohibited and also within fifteen (15) feet of any outdoor eating establishment or facility. This prohibition does not apply to any person who is temporarily within the fifteen (15) foot area for the purpose of walking or transversing through such area.

#### **Sec. 9-74. Exemptions.**

Notwithstanding any other provision of this Article, the following areas shall be exempted from its provision provided smoking is not limited or prohibited in such areas under the Illinois Clean Indoor Air Act or federal legislation:

- (a) Private residences as hereinabove defined.
- (b) Hotel and motel sleeping rooms subject to restrictions as hereinabove set forth.
- (c) Private and semi-private rooms in nursing homes and long-term care facilities occupied by one or more persons, all of whom are smokers and have requested in writing to be placed or to remain as the case may be in a room where smoking is permitted.

**Sec. 9-75. Posting of Signs.**

Every public place and place of employment where smoking is prohibited by this Ordinance shall have posted at every entrance a conspicuous sign indicating "NO SMOKING". It shall be unlawful for any person to remove, deface or obscure any sign posted pursuant to the provisions of this ordinance. The operator, manager, or other person having control of an area where smoking is prohibited shall remove all ashtrays and other smoking paraphernalia intended for use where smoking is prohibited.

**Sec. 9-76. Violations and Penalties and Enforcement.**

Any person who smokes in an area where smoking is prohibited by this Ordinance shall be punished of a fine of not more than One Hundred Dollars (\$100). Any person who owns, manages, operates, or otherwise controls public place or place of employment who fails to comply with the provisions of this Ordinance shall be fined not exceeding One Hundred Dollars (\$100) for the first violation and Five Hundred Dollars (\$500) for the each subsequent offense within one year of the first violation. Each day on which a violation of this Ordinance occurs shall be considered a separate offense. The Village Manager or his designee is hereby authorized to enforce this ordinance and is further authorized to seek an injunction if he determines intentional and repeated violations of this Ordinance by the owner, manager, or person in control of a public place or place of employment and may commence revocation proceedings for any license issued to a public place subject to licensing by the Village.

**Sec. 9-77. Severability.**

If any provision of this Ordinance, or any section, sentence, clause, phrase or word, or the application thereof, in any circumstance, is held to be invalid, the remainder of this Ordinance shall be construed as if such invalid part were never included herein, and this Ordinance shall be and remain valid and enforceable to the fullest extent permitted by law."

**SECTION 2:** That all ordinances or parts of Ordinances in conflict herewith are hereby repealed.


**SECTION 3:** That the Village Clerk is directed to maintain a record of the modifications to the existing ordinance, all of which are indicated on Exhibit "A" (a blacklined version of the modifications approved pursuant to this Ordinances).

**SECTION 4:** That this ordinance shall be in full force and effect on January 2, 2007.


PASSED: This 13 of November, 2006

AYES: 6 NAYS: 0 ABSENT: 0 PASS: 0

APPROVED by me this 13 of November, 2006

  
\_\_\_\_\_  
Mayor Pro Tem of the Village of Palatine

ATTESTED and FILED in the office of the Village Clerk this  
this 13 of November, 2006

  
\_\_\_\_\_  
Village Clerk